

DETAILED ACTION

Current Status of 10 / 642440

1. The rejection under 35 USC 112 1st paragraph is overcome by the amendment filed 12/13/2007.
2. The rejection under 35 USC 112 2nd paragraph is overcome by the amendment.
3. The obviousness-type double patenting rejection is overcome by the amendment filed 12/13/2007. Application 10/914074 was filed after the instant application.
4. The claim objections are overcome by the amendment filed 12/13/2007.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Weiffenbach on February 4, 2008.

The phrase "inflammation and" is removed from claims 13-24.

Allowable Subject Matter

2. Claims 1, 3-37, and 39-40 are allowed.
3. The following is an examiner's statement of reasons for allowance: Lyssikatos et al. (WO2007059257, published May 24, 2007, claiming priority to 60/736289, filed November 15, 2005) teach the closest art. However, this document was published after the filing date of the instant application (8/14/2003) and cannot anticipate or render obvious compounds of claim 1. Example 1 (page 84) could anticipate or render obvious compounds of claim 1 if the application had an earlier filing date or publication date.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noble Jarrell whose telephone number is (571) 272-9077. The examiner can normally be reached on M-F 7:30 A.M - 6:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Noble Jarrell/
Examiner, Art Unit 1624

/James O. Wilson/
Supervisory Patent Examiner
Art Unit 1624